

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2007-3-E - ORDER NO. 2007-574  
AUGUST 23, 2007

IN RE: Annual Review of Base Rates for Fuel Costs     ) ORDER GRANTING  
for Duke Energy Carolinas, LLC                             ) MOTION FOR  
   ) CONFIDENTIAL  
   ) TREATMENT

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of Duke Energy Carolinas, LLC (Duke Energy or the Company) for confidential treatment of certain material in this docket.

As required in the Commission's Docketing Department's August 7, 2007, letter, pursuant to 26 S.C. Code Ann. Regs. 103-869(C) (Supp. 2006), Duke Energy on July 26, 2007, electronically filed the direct testimonies and exhibits of M. Elliott Batson, John J. Roebel, Ronald A. Jones, David C. Culp, and Jane L. McManeus on behalf of the Company. Concurrent with the filing of the testimonies, Duke Energy moved for this Commission to hold that a portion of witness Jones' testimony and one exhibit be held as proprietary information and be protected from public disclosure. The Company represents that the information contained in a designated portion of the testimony and one exhibit is proprietary and/or commercially sensitive and/or competitively sensitive and/or trade secrets. Duke Energy filed an un-redacted copy of witness Jones' testimony and Exhibit 3 in a separate and sealed envelope clearly marked "confidential." Redacted copies of the relevant materials were filed as well.


The South Carolina Freedom of Information Act (“FOIA”) allows exemption from disclosure proprietary business information that meets a definition of “trade secrets.” S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: “(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation.” We find that the information contained in witness Jones’ testimony and Exhibit 3 filed by Duke Energy for which the Company seeks protection as confidential meets the definition of “trade secrets” as defined under FOIA, and therefore, we grant Duke Energy’s motion.

IT IS THEREFORE ORDERED THAT:

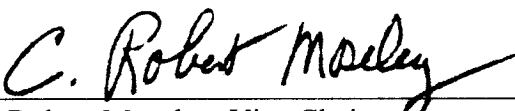
1. The Motion of Duke Energy Carolinas, LLC for confidential treatment is granted. Accordingly, the designated portion in the direct testimony of Ronald A. Jones and Exhibit 3 to that testimony filed with the Commission are granted confidential treatment and shall be maintained under seal and withheld from public disclosure.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
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G. O'Neal Hamilton, Chairman

ATTEST:

  
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C. Robert Moseley, Vice Chairman

(SEAL)